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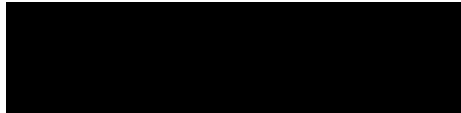
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. A3042  
Washington, DC 20529

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U.S. Citizenship  
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Services

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FILE:



Office: Baltimore

Date: OCT 21 2004

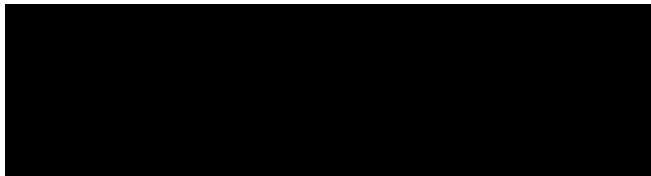
IN RE:

Applicant:



PETITION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Baltimore, Maryland, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The district director denied the application because the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988.

On appeal, the counsel asserts that the applicant has submitted sufficient documentation establishing continuous residence in the United States from prior to January 1, 1982 through May 4, 1988.

An applicant for permanent resident status must establish entry into the United States before January 1, 1982 and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. 8 C.F.R. § 245a.11(b).

An applicant for permanent resident status under section 1104 of the LIFE Act has the burden to establish by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States and is otherwise eligible for adjustment of status under this section. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. 8 C.F.R. § 245a.12(e).

When something is to be established by a preponderance of the evidence it is sufficient that the proof establish that it is probably true. *See Matter of E-- M--*, 20 I. & N. Dec. 77 (Comm. 1989).

Although the regulations provide an illustrative list of contemporaneous documents that an applicant may submit, the list also permits the submission of affidavits and any other relevant document. *See* 8 C.F.R. § 245a.2(d)(3)(vi)(L).

The applicant is a class member in a legalization class-action lawsuit and as such, was permitted to previously file a Form I-687, Application for Temporary Resident Status Pursuant to Section 245A of the Immigration and Nationality Act (INA) on or about July 10, 1991. In support of his claim of continuous residence in the United States since prior to January 1, 1982, the applicant submitted the following documents:

- An affidavit signed by [REDACTED] who provided her address and indicated that she was acquainted with the applicant because he was her husband's best friend. [REDACTED] further indicated that she had personal knowledge that the applicant resided in this country since 1981 and provided a listing of the locations he had lived and his period of residence in each location through November 17, 1990, the date the document was executed;
- An affidavit signed by [REDACTED] who provided his address and declared that he was acquainted with the applicant through their employment at [REDACTED] and that he and the applicant remained good family friends. [REDACTED] indicated that he had personal knowledge that the applicant resided in this country since 1981 and provided a listing of the locations he had lived and his period of residence in each location through November 15, 1990, the date the document was executed;

- An affidavit signed by [REDACTED] who provided his address and declared that he was acquainted with the applicant through his daughter. [REDACTED] indicated that he had personal knowledge that the applicant resided in this country since 1981 and provided a listing of the locations he had lived and his period of residence in each location through November 13, 1990, the date the document was executed;
- An affidavit signed by [REDACTED] who provided his address and stated that he was acquainted with the applicant because they had been best friends since attending high school together. [REDACTED] indicated that he had personal knowledge that the applicant resided in this country since 1981 and provided a listing of the locations he had lived and his period of residence in each location through November 17, 1990, the date the document was executed;
- An affidavit signed by [REDACTED] who provided her address and declared that she was acquainted with the applicant because she and his sister were schoolmates in the Philippines. [REDACTED] indicated that she had personal knowledge that the applicant resided in this country since 1981 and provided a listing of the locations he had lived and his period of residence in each location through November 8, 1990, the date the document was executed;
- An affidavit signed by [REDACTED] who provided his address and stated that he was acquainted with the applicant because they had been best friends in the Philippines. [REDACTED] indicated that he had personal knowledge that the applicant resided in this country since 1981 and provided a listing of the locations he had lived and his period of residence in each location through November 22, 1990, the date the document was executed;
- An employment letter dated November 20, 1990, that contains the letterhead and telephone number of Barre-National Inc., in Baltimore, Maryland and is signed by [REDACTED] administrative assistant in the Human Resources department of this enterprise. [REDACTED] declared that the applicant had been employed as a chemical processor by this company from November 1987 to May 4, 1988;
- A letter dated November 21, 1990, that contains the letterhead and telephone number of Union Federal Savings Bank in Rosemead, California and is signed by Rashi Kallur, new account supervisor of this enterprise. [REDACTED] provided three separate account numbers and declared that the applicant maintained these accounts at this institution since the accounts were opened on January 11, 1986;
- An employment letter dated November 20, 1990, that contains the letterhead and telephone number of Union Federal Savings Bank in Rosemead, California and is signed by [REDACTED] of the Human Resources department of this enterprise. [REDACTED] declared that the applicant had been employed in the Administrative Services Department of this bank from February 3, 1986 to October 30, 1987;
- Photocopies of various identification cards, credit cards, and membership cards in the applicant's name that contain a variety of dates, the earliest of which is April 1986;

- Photocopies of two separate bills from [REDACTED] in Burbank, California that bear the applicant's last name are dated November 17, 1981 and December 7, 1981;
- A photocopy of a bill of sale dated December 2, 1981, for two and three quarter yards of silk and two and one half yards of lining material sold by [REDACTED] Inc., in Los Angeles, California;
- Photocopies of at least sixty pay check stubs from the Golden Eagle Capital Group all bearing the applicant's name and dated from November 1, 1981 to August 1985;
- Photocopies of at least fifty receipts from a wide variety of businesses in the Los Angeles, California area, the majority of which bear the applicant's last if not full name and dates ranging from 1981 to 1986;
- An original customer copy of a security agreement to finance the purchase of a car between the Security Pacific National Bank in Glendale, California and the applicant that is dated August 15, 1986, as well as a photocopy of the corresponding statement of account for the loan in 1986;
- Photocopies of a wide variety of the applicant's finance and tax related documents for 1986, 1987, and 1988, including but not limited to: Federal Income Tax Returns, California State Income Tax Returns, Maryland State Income Tax Returns, Form W-2, Wage and Tax Statements, Form 1099, Miscellaneous Income Statements, paycheck stubs, bank statements, personal checks, and credit card statements;
- A Social Security Administration Earnings Statement reflecting taxable income earned by the applicant beginning in 1985 through to 1997;
- An affidavit signed by [REDACTED] who provided his address and indicated that he had known the applicant since 1978. [REDACTED] stated that the applicant stayed at his home in Sunnydale, California on various weekends from July 1983 to October 1983, even giving the applicant a tour of the San Francisco, California area in July 1983;
- An affidavit signed by [REDACTED] who provided her address and declared that she was acquainted with the applicant because she and his wife were schoolmates in the Philippines. [REDACTED] indicated that she met the applicant when she delivered a package from his wife in the Philippines to him in 1981, she subsequently invited him to visit her in San Francisco, California in 1982, and she maintained subsequent contact with him in her business trips to the east coast of the United States;
- Four original pay check stubs from the Golden Eagle Capital Group for dates from October 1981 to December 1981; and,
- Seven original receipts from a wide variety of businesses in the Los Angeles, California area, the majority of which bear the applicant's last name and a range of dates in 1981.

In this instance, the applicant submitted an overwhelming amount of evidence including but not limited to; affidavits, employment letters, tax documents, contracts, bills, receipts, and contemporaneous documents,

attesting to his residence in the United States during the period in question. The district director has not established that the information in this evidence was inconsistent with the claims made on the application, or that it was false information. As stated on *Matter of E--M--*, *supra*, when something is to be established by a preponderance of evidence, the applicant only has to establish that the proof is probably true. That decision also points out that, under the preponderance of evidence standard, an application may be granted even though some doubt remains regarding the evidence. The documents that have been furnished, including contemporaneous evidence of residence, may be accorded substantial evidentiary weight and are sufficient to meet the applicant's burden of proof of residence in the United States for the requisite period.

The affidavits provided by the applicant, along with documentation that includes contemporaneous documents, support by a preponderance of the evidence that the applicant satisfies the statutory and regulatory criteria of entry into the United States before January 1, 1982, as well as continuous unlawful residence in the country during the ensuing time frame of January 1, 1982 through May 4, 1988, as required for eligibility for legalization under section 1104(c)(2)(B)(i) of the LIFE Act.

Accordingly, the applicant's appeal will be sustained. The district director shall continue the adjudication of the application for permanent resident status.

**ORDER:** The appeal is sustained.